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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MELVIN B. NESSEL 2006 TRUST U/A/D
3/14/06; MELVIN B. NESSEL REVOCABLE
TRUST; PAUL RAMPELL, in his capacity as
Former Trustee for the Melvin B. Nessel Revocable
Trust and as former co-Trustee of the Melvin B.
Nessel 2006 Trust u/a/d 3/14/06; NORTHERN
TRUST N.A., in its capacity as successor Trustee

Adv. Pro. No. 10-04351 (SMB)

of the Melvin B. Nessel 2006 Trust u/a/d 3/14/06;
GAIL NESSEL; JOHN NESSEL; GREGORY
ANTONIAZZI; MICHAEL LIEB; and ROBERT
LIEB,

Defendants.

STIPULATION AND ORDER

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Young Conaway Stargatt & Taylor, LLP, and defendants John Nessel and Gregory Antoniazzi (the “Defendants,” and together with the Trustee, the “Parties”), by and through its counsel, hereby stipulate and agree to the following:

1. On November 12, 2010, the Trustee filed a complaint (the “Complaint”) commencing the above-captioned adversary proceeding (the “Adversary Proceeding”) against the Defendants, among others.

2. On April 21, 2014, the Defendants filed and served a joinder [Adv. Docket No. 57] to the motion to dismiss [Adv. Docket No. 54] filed by certain other defendants in the Adversary Proceeding.

3. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal of the Trustee’s claims against the Defendants, without prejudice to (i) the Trustee’s right to seek to amend in accordance with Rule 15(a)(2) of the Federal Rules of Civil Procedure, made applicable hereto by Federal Rule of Bankruptcy Procedure 7015, and/or (ii) the Trustee’s rights under section 550(f) of the Bankruptcy Code.

4. Any amendment to the Complaint or new complaint seeking recovery from the Defendants on account of the transfers that are subject to the Complaint shall relate back to the date of filing of the Complaint and related summons in this Adversary Proceeding. Any time from the date of this Stipulation and Order to the filing of such an amended Complaint or new complaint shall not be included for purposes of calculating any statute of limitations, statute of repose, or other “time-based” or “laches-based” defense.

5. Nothing herein shall affect the Trustee’s claims in the Adversary Proceeding against any defendant other than the Defendants, and the Trustee hereby preserves all his rights and claims against any defendant other than the Defendants.

6. Upon the dismissal of the Defendants, the caption of the Adversary Proceeding is hereby amended to delete the Defendants from the caption. The amended caption of the Adversary Proceeding shall appear as indicated in Exhibit A hereto.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

[Remainder of Page Intentionally Left Blank]

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: August September 26, 2016

**YOUNG CONAWAY STARGATT &
TAYLOR, LLP**

By: /s/ Matthew B. Lunn
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Madoff Investment Securities LLC*

WARNER & SCHEUERMAN

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*Attorneys for John Nessel
and Gregory Antoniazzi*

SO ORDERED

Dated: September 26th, 2016
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

*Attorneys for Irving H. Picard, Trustee for the
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